

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alex Tuminello	Team: Squad #15	CCRB Case #: 201606611	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/27/2016 6:00 AM	Location of Incident: [REDACTED]	Precinct: 83	18 Mo. SOL 1/27/2018	EO SOL 1/27/2018	
Date/Time CV Reported Sun, 07/31/2016 2:26 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 07/31/2016 2:26 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Joseph Kosek	1470	949175	NARCBBN
2. SGT Alexandru Anghel	00240	934403	NARCBBN
3. DT3 Julio Micheli	573	949330	NARCBBN
4. POM Allan Ward	31333	949783	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jamar Goddard	10440	948033	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Joseph Kosek	Abuse: Detective Joseph Kosek entered and searched § 87(2)(b) in Brooklyn.	[REDACTED]
B.POM Allan Ward	Discourtesy: Police Officer Allan Ward spoke discourteously to § 87(2)(b)	[REDACTED]
C.DT3 Julio Micheli	Off. Language: Detective Julio Micheli made remarks to § 87(2)(b) based upon her gender.	[REDACTED]
D.DT3 Joseph Kosek	Off. Language: Detective Joseph Kosek made remarks to § 87(2)(b) based upon her gender.	[REDACTED]
E.DT3 Joseph Kosek	Discourtesy: Detective Joseph Kosek spoke discourteously to § 87(2)(b)	[REDACTED]
F.SGT Alexandru Anghel	Off. Language: Sergeant Alexandru Anghel made remarks to § 87(2)(b) based upon her gender.	[REDACTED]

Case Summary

On July 27, 2016, at approximately 6 a.m., Detective Joseph Kosek and additional officers from Narcotics Borough Brooklyn North entered and searched § 87(2)(b)'s apartment located at § 87(2)(b) in Brooklyn based upon a valid search warrant (**Allegation A**).

§ 87(2)(b) alleged that approximately 30 officers entered inside of the location. § 87(2)(b) alleged that an officer by the name of "PO Waters" allegedly stated, "Don't fucking move." This officer was identified by the investigation as PO Allan Ward of Narcotics Borough Brooklyn North (**Allegation B**). While seated on a couch inside of her apartment, § 87(2)(b) alleged that an officer identified by the investigation as Detective Julio Micheli stated to her, "Those are perks, got you bitch" (**Allegation C**). As she remained on the couch, Detective Kosek stated to PO Ward, "Bring that bitch over here" (**Allegation D**). PO Ward proceeded to walk § 87(2)(b) to her bedroom. Detective Kosek asked § 87(2)(b) "Where are the drugs?" § 87(2)(b) denied that there were drugs in her apartment and Detective Kosek stated, "We are going to tear this bitch apart" (**Allegation E**). § 87(2)(b) alleged that Sgt. Alexandru Anghel of Narcotics Borough Brooklyn North stated to her that the officers knew she was selling drugs out of the apartment. Sgt. Anghel then stated, "Take this bitch out of here" (**Allegation F**) and PO Ward and PO Jamar Goddard of Narcotics Borough Brooklyn North escorted § 87(2)(b) and her girlfriend Alisa § 87(2)(b) out of the apartment.

§ 87(2)(b) was arrested and charged with one count of criminal possession of a controlled substance in the third degree, two counts of criminal use of drug paraphernalia and criminal possession of a controlled substance in the 7th degree.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation due to the fact that § 87(2)(b) was arrested in regards to this incident.
- On October 21, 2016, a notice of claim inquiry was sent to the Office of the New York City Comptroller. The response will be added to the case file upon its receipt.
- As of October 21, 2016, New York State Office of Court Administration records reveal that § 87(2)(b) has had no criminal convictions in the past 10 years. (Encl. Board Review 03).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. Board Review 02).
- PO Ward has been a member of the service for six years and has been the subject of 12 CCRB allegations involving four cases. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- Detective Micheli has been a member of the service for six years and has been the subject of 10 previous CCRB allegations involving five cases. § 87(2)(g)
§ 87(2)(g)
- Detective Kosek has been a member of the service for six years and has been the subject of two previous CCRB allegations involving two cases. § 87(2)(g)
§ 87(2)(g)

- Sergeant Anghel has been a member of the service for 12 years and has been the subject of 12 previous CCRB allegations involving eight cases. None of these allegations present a fact pattern relative to this case. In CCRB case no. 201603032, a strip-search allegation was substantiated against Sgt. Anghel and the Board recommended Command Discipline. There is no NYPD disposition or penalty listed as of the date of this report.

Potential Issues

- § 87(2)(b) stated that her girlfriend, § 87(2)(b) was also inside of the apartment on the date of the incident. On August 29, 2016, the undersigned investigator contacted § 87(2)(b) via telephone and she refused to provide any information about the incident to the CCRB.

Findings and Recommendations

Identification of Subject Officers

- Based upon a copy of search warrant number § 87(2)(b) and the search warrant pre-execution plan from the date of the incident, it is undisputed that officers from Narcotics Borough Brooklyn North entered inside of the location on the date of the incident. Detective Kosek is listed on the warrant as the requesting officer. As a result, **Allegation A** is being pled against Detective Kosek.
- § 87(2)(b) alleged that an officer by name of “Waters” stated to her upon entry into the apartment, “Don’t fucking move.” None of the officers listed on the search warrant pre-execution plan (Encl. Board Review 05) are named “Waters.” The investigation identified PO Ward from the search warrant pre-execution plan and based upon § 87(2)(b)s description of the alleged officer and PO Ward’s pedigree information, the investigation determined that PO Ward was in fact the officer who allegedly stated, “Don’t fucking move.” As a result, **Allegation B** is being pled against PO Ward.
- § 87(2)(b) alleged that an officer stated to her on the date of the incident, “Those are perks, got you bitch.” She described this officer as a white male, 6’ tall, black hair, dark eyes and slim. Detective Micheli’s CCRB pedigree sheet information lists him as a Hispanic male, 5’10” tall, 193 pounds with black hair and brown eyes (Encl. Board Review 06). Based upon the pedigree description of Detective Micheli and the pedigree information provided by Detective Micheli during his CCRB statement, the investigation determined that he was in fact the officer that made the alleged statement. As a result, **Allegation C** is being pled against Detective Micheli.

Allegation Not Pled

- **Abuse of Authority: Property Damaged-** § 87(2)(b) alleged that officers pulled out her drawers and damaged a lock box located inside of her apartment. Based upon search warrant number § 87(2)(b) officers were granted the authority to search any safes or locked containers located inside of the location (Encl. Board Review 04). As a result, a property damaged allegation is being subsumed within the entry and search of § 87(2)(b)s apartment and not being pled.

Allegation A- Abuse of Authority- Detective Joseph Kosek entered and searched § 87(2)(b) in Brooklyn.

It is undisputed that officers assigned to Narcotics Borough Brooklyn North entered and searched § 87(2)(b) in Brooklyn based upon valid search warrant number § 87(2)(b) (Encl. Board Review 04).

Article 690.05 of the New York State Criminal Procedure Law (Encl. Board Review 01), explicitly states that a search warrant is a court order and process directing police to conduct a search of a designated premises for the purpose of seizing property or any kinds of property, and to deliver any property so obtained to the court which issued the warrant.

§ 87(2)(b), § 87(2)(g)

Allegation B- Discourtesy- Police Officer Allan Ward spoke discourteously to § 87(2)(b)

Allegation C- Discourtesy- Detective Julio Micheli made remarks to § 87(2)(b) based upon her gender.

Allegation D- Offensive Language- Detective Joseph Kosek made remarks to § 87(2)(b) based upon her gender.

Allegation E- Discourtesy- Detective Joseph Kosek spoke discourteously to § 87(2)(b)

Allegation F- Discourtesy- Sergeant Alexandru Anghel spoke discourteously to § 87(2)(b)

As previously noted, § 87(2)(b) alleged that several officers directed discourteous language towards her on the date of the incident. § 87(2)(b) alleged that as the officers entered inside of her apartment, PO Ward allegedly stated, “Don’t fucking move.” Upon being handcuffed, § 87(2)(b) was sat on a couch in her living room. While she was seated, officers located a pill bottle with no label and Detective Micheli allegedly stated, “Those are perks, got you bitch.” Detective Kosek then allegedly stated to PO Ward, “Bring that bitch over here” and § 87(2)(b) was escorted to her bedroom. Detective Kosek proceeded to ask § 87(2)(b) “Where are the drugs?” § 87(2)(b) denied that any illegal narcotics were located in her apartment and Detective Kosek responded, “We are going to tear this bitch apart.” Sgt. Anghel then stated to § 87(2)(b) that the officers knew she was selling drugs. Sgt. Anghel then allegedly stated, “Take this bitch out of here.” § 87(2)(b) was then escorted out of the apartment by PO Ward and PO Goddard.

During the course of the investigation, the undersigned investigator interviewed, PO Ward, Detective Micheli, Detective Kosek, Sgt. Anghel and PO Goddard. All of the officers interviewed denied using any of the alleged aforementioned statements towards § 87(2)(b) during their interactions with her. The officers also denied hearing any of the officers using these statements towards § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Squad: 15

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date